



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 16

819 Taylor Street - Room 8A24

Fort Worth, TX 76102-6178

Agency Web Site: www.nlrb.gov

February 2, 2010

Mr. Michael Jay Kuper, Attorney
2800 Post Oak Boulevard – 61st Floor
Houston, Texas 77056

Re: Superior Protection, Inc.
Case No. 16-UC-212

Dear Mr. Kuper:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted. The investigation disclosed that the captioned petition was filed on May 31, 2005. On June 15, 2005 the petition was placed in abeyance pending resolution of unfair labor practice charges in Case Nos. 16-CA-21399 and 16-CA-21495. The unfair labor practice cases have since been resolved. Further, the investigation established that the Employer is no longer in business. By letter dated December 22, 2009, the Region inquired as to whether the Employer wished to proceed in the captioned petition and to respond no later than close of business December 31, 2009. The Employer was informed that if no response was received by the deadline, the petition would be subject to dismissal. The Employer did not respond to the letter. Inasmuch as the Employer has failed to cooperate in the processing of the petition, I am dismissing the captioned petition.

Right to Request Review: Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, D.C., by close of business on **January 29, 2010, at 5:00 p.m. Eastern Time** unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special

permission for a longer period within which to file.¹ A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select the E-Gov tab, click on E-Filing, and follow the detailed directions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file an appeal electronically will not be excused on the basis of a claim that the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Sincerely,

Timothy L. Watson
Acting Regional Director

cc: Office of the Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

Mr. Reginald Jones
Director of Operations
Superior Protection, Inc.
9601 Katy Freeway – Suite 280
Houston, Texas 77024

Mr. James D. Carney
International Vice President
United Government Security Officers of America
International Union
7290 Samuel Drive – Suite 110
Denver, Colorado 80221

Mr. Eric H. Nelson, Attorney
3303 Main Street – Suite 300
Houston, Texas 77002-9392

¹ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.